

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

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IN RE: *Petition of the Tennessee Small Local Exchange Company Coalition
for Temporary Suspension of 47 U.S.C. § 251(b) and 251(c) Pursuant
to 47 U.S.C. § 251(f) and 47 U.S.C. § 253(b)
Docket No. 99-00613*

**REPLY OF US LEC OF TENNESSEE, HYPERION OF TENNESSEE, LP, AND THE
SOUTHEASTERN COMPETITIVE CARRIERS ASSOCIATION TO PETITIONER'S
REQUEST TO DEFER HEARING UNTIL CONCLUSION OF DOCKET NO. 00-00537**

Pursuant to the Pre-Hearing Officer's direction at the Status Conference held on December 12, 2000, and the Order of the Pre-Hearing Officer entered December 18, 2000, US LEC of Tennessee ("US LEC"), Hyperion of Tennessee, LP, and the Southeastern Competitive Carriers Association hereby submit the following response to the request of the Tennessee Small Local Exchange Company Coalition (the "Coalition"), to defer the hearing in this matter until after completion of the Universal Service for Rural Areas - Generic Docket ("Rural Universal Service docket"), Docket No. 00- 00523. US LEC hereby submits that the TRA should deny the Coalition's request and proceed with the hearing as scheduled on the dates proposed at the December 12, 2000, Status Conference.

The Coalition's petition was filed eighteen months ago. In the petition, the Coalition requested that the TRA suspend the federal interconnection obligations required of Coalition members until after the TRA had established a universal service fund. In order to obtain that suspension, the Coalition must demonstrate compliance with the statutory criteria set forth in Section 251(f)(2) of the federal Telecommunications Act. Both parties have pre-filed testimony concerning whether those criteria have been met, and the case is now ready for hearing. Now the

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Coalition seeks to obtain through a procedural motion the same, substantive relief requested in the original petition without meeting, or even attempting to meet, any of the federal statutory criteria. As the Hearing Officer pointed out (Tr., at 17), "...So, de facto, a decision on the suspension, could, in fact be taking place just by making a decision to defer this docket...From a future standpoint, what you're asking for is, in essence, a suspension which is, in essence, what you're asking for in your petition."¹

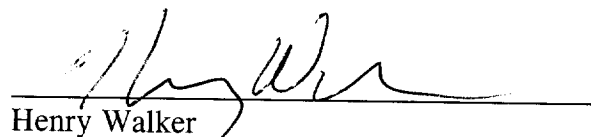
US LEC also objects to the Coalition's request because granting the request would further delay consideration of US LEC's request for interconnection made pursuant to 47 U.S.C. § 251 (f)(2). The TRA is required to grant or deny US LEC's request "within 120 days." Although US LEC has agreed to wait until after the agency resolves the Coalition's Petition for Suspension (which, if granted, would moot US LEC's request), US LEC does not agree to wait until after the Rural Universal Service docket is finished.

For these reasons, the Coalition's request should be denied.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

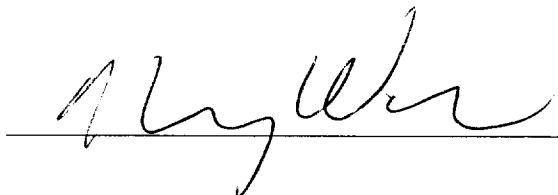

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¹ The Hearing Officer also pointed out that a decision in the Rural Universal Service docket could be months or a year down the road. Id. The other universal service docket, Docket No. 97-00888, has already lasted more than three years.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served via U.S. First Class Mail or Hand Delivery on the parties of record on this the 5 day of January, 2001.

Dale R. Grimes, Esq.
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A handwritten signature in black ink, appearing to read "Dale R. Grimes", is written over a horizontal line.